

VERDICT OF SUICIDE IN BENNETT INQUEST

Coroner's Jury Came
to a Conclusion
Last Night.

MISS SCHNEIDER'S CASE STILL ON

MORE TESTIMONY WILL BE TAK-
EN BEFORE A DECISION
IS REACHED.

Dr. Bonar Telle of Scout's Ideas of
Honor—Major Ennis Gives De-
ceased a Testimonial of Charac-
ter—Large Property in St. Louis.

The coroner's jury returned a ver-
dict last night, finding that Frank P.
Bennett came to his death from a
gunshot wound inflicted by himself
with suicidal intent.

The jury in the case of Miss Schnei-
der conferred for an hour but failed
to agree and asked for further evi-
dence. Accordingly it will convene
again today at noon and hear such tes-
timony as the Deputy Sheriff may be
able to procure in the meantime.

The taking of testimony before the
Bennett and Schneider coroner's
juries was resumed at 2 o'clock yester-
day. There was nothing new
brought out that would tend to dispel
the mystery that obscures the strange
connection between the death of the
house-servant and the death of the
celebrated scout. Nothing has been
shown in the testimony that explains
why Bennett borrowed the revolver
and six rounds of ammunition on the
day preceding the strange death of
Miss Schneider; to explain why Clara
Schneider did not leave some message
to her friends before deliberately
swallowing poison. It is
these things that make some refuse
to believe that she took her own life.

The first witness was Chemist
Shorey. He had analyzed the whitish,
flour-like substance found on a red
shawl worn by Clara Schneider the
night she swallowed the fatal dose
of morphine. The chemist said the
substance was not morphine. It was
lime and his supposition was that it
had been rubbed from a white-washed
wall by contact.

The next witness was R. M. Bonar,
physician and surgeon at Camp Mc-
Kinley. Dr. Bonar has charge of the
dispensary at the camp. He said that
Bennett had never called on him for
medical attention. He was sure Ben-
nett never got any morphine at the
dispensary because none was kept
there; that drug being kept wholly in
his own private case. Dover's powder
and paregoric were forms of opium
kept at the dispensary. No one at
the dispensary had authority to pre-
scribe except himself. The doctor
was positive that Bennett never pro-
cured morphine at the dispensary.
The doctor knew Bennett as a friend
and saw him on an average of once
a day. He never knew Bennett to use
morphine and did not believe that he
did.

His Notions of Honor.
He knew that Bennett and Frank
Ottmann were friends and had heard
that Bennett had helped Ottmann
financially. Dr. Bonar had heard Ben-
nett telephone to someone about his
friend's wife who was in the hospital.
"I asked Bennett what the trouble
was. He said with great emotion,
'The wife of my friend has had a seri-
ous operation performed at the hos-
pital, but I guess it will be all right.'"

Dr. Bonar said he knew Bennett was
not a drinking man as he would never
take a social drink with the officers
of the camp. The doctor also said:
"I believe if Mr. Bennett had known
that he was in any way the cause of
a woman's death, according to his
old school notions of honor, he would
then kill himself." While Bennett
was alive, he had never suspected
that he had relations with women.
But since his death the doctor had
heard several of the soldiers say that
they had seen him walking in the park
with Miss Schneider. Others had
seen him walking with Mrs. Ottmann.
The doctor had never heard Bennett
use rough or improper language. He
considered him the highest type of a
gentleman and the soul of honor.

Major Wm. Ennis was called. He
gave the dead scout the highest tes-
timonial as to character and good
morals. He said Bennett was one of
the most abstemious of men he had
ever known. He recounted Bennett's
career with evident pride and said
that he was the paragon of courage,
integrity, honesty and sobriety. The
major had inquired concerning where
Bennett was on the night that Miss
Schneider took the morphine. The
sentry's say, that at 10:30 p. m., Ben-
nett got up and stood at his window,
spoke to the sentry, then lighted a
lamp. Shortly the light was extin-
guished. Again at 1:30 a. m. the lamp
in Bennett's room was lighted and re-
mained burning until 4:30 in the

sentries say, that at 10:30 p. m., Ben-
nett's rooms after his death had been
reported but found no poisons.

His St. Louis Property.

The witness said that Bennett told
him last June of property he owned
in St. Louis. In Bennett's room Major
Ennis found a deed for some St. Louis
real estate showing that Bennett paid
for it the sum of \$36,000. The major
believed that Bennett had killed him-
self because he felt that unwittingly
he had caused Miss Schneider's death.

W. M. Campbell told of his relation
with Miss Schneider. "One time she
asked me to invest her money," he
said. "I did so, she giving me \$300
for which I was to issue to her three
shares in a shipping business I was
then establishing. However, she
came back and wanted her money,
saying that she had found a place
where she could invest it to better ad-
vantage. I paid her back the money.
After that, I saw but little of her until
three or four weeks ago, she came to
me saying she was in great trouble
and would lose a big amount of money
unless she could raise \$150. I could
not make her the loan at the time and
have not seen her since."

"I first met her at the Honolulu
hotel a couple of years ago. We be-
came friends. When I was sick she
came to see me. She told me a year
ago that Bennett was paying her at-
tentions and that they were distaste-
ful to her. I knew her very well and
know that she was a very methodical
person. I do not believe she would
have committed suicide without ar-
ranging her affairs in order and leav-
ing word for her friends."

The inquest was continued last
night.

The Night Session.

Corporal Bruce Hartman testified
that Bennett did a great deal of tele-
phoning to Miss Schneider. Also to
Mrs. Ottmann. Witness had often an-
swered the telephone and had taken
down messages from Miss Schneider
for Bennett, afterward sending them
to him at the corral. The burden of
these messages was in the form of
requests for Bennett to meet her.
Since Mrs. Ottmann has been in the
hospital, Bennett had inquired over
the phone daily as to her condition.
Witness had often seen Bennett in
company with Mrs. Ottmann. He did
not believe Bennett cared much for
her but thought Mrs. Ottmann was in
love with the scout.

Sergeant N. O. Cramer said that
Bennett told him that he had given
Ottmann \$500 and that the money was
used in making improvements in his
place at Waikiki. Cramer had often
invited Bennett to drink with him but
he always refused. Witness had
never seen Miss Schneider with Ben-
nett but had often seen the scout in
company with Mrs. Ottmann. He had
seen them together in day time and
at night, and frequently saw her go
through the camp toward Bennett's
place at the corral.

What His Comrades Say.

Ralph H. Jones, acting hospital
steward at Camp McKinley, said that
Bennett had never been inside the dis-
pensary and could not possibly have
had procured morphine at the place.
Jones had never seen Bennett drunk
nor drinking. Corporal Scott testified
that he had never seen Bennett drunk
and that he had often seen him with
Mrs. Ottmann.

Sergeant Henry W. Duryea, knew
but little of the scout's relations with
Miss Schneider, but told of a dramatic
meeting between Mrs. Ottmann and
Bennett in Kapiolani park last June.
Chas. Snyder, another soldier, had lit-
tle to say except what he had seen of
Bennett with Mrs. Ottmann.

The entire testimony of the soldiers
last night showed that Bennett, if he
was a sport, kept that fact closely hid-
den from his army friends. Their tes-
timony also showed that unusually
close relations existed between Mrs.
Ottmann and the scout. This was
brought out so strongly that it is
impossible to say whether Bennett's
statement in his last note, "A woman
is at the bottom of it all," applied to
Miss Schneider or to Mrs. Ottmann.

W. J. C. Ottmann was called a sec-
ond time. He stated positively that
Bennett had not at any time loaned or
given him a cent of money. He reit-
erated his former testimony about the
scout's drinking habits. He said that
his improvements on his house cost
\$553 and that he was still in debt that
amount, principally to Lewers &
Cooke.

Ottmann's story of Bennett's at-
tempted suicide at his place on the
evening of Prince David's luau, fell
to pieces last night. From the tes-
timony of the witness it appears that
Bennett did nothing more than swal-
low a Seidlitz powder in the tragic
style of a melancholy drunk. Ottmann
said that he had had no trouble with
Bennett and that they were good
friends until the little episode the
evening of Prince David's luau.

Dr. Shorey took the stand again
and testified that he made a thorough
search with Deputy Sheriff Chilling-
worth yesterday afternoon of the
rooms of Bennett at the corral. He
found no morphine or poisons.

The two juries then separated and
went into consultation.

FITTING OBSERVANCE OF A SACRED MEMORY

Founders' Day Exer-
cises at Kameha-
meha School.

PRaises FOR BELOVED PRINCESS

TYPICAL SONGS INTERSPERSED
THROUGH PROGRAM—TROP-
ICAL DECORATIONS.

Mr. Richards' Address Telling of How
the Crown Was Refused and Oth-
er Events of the Life of Pauahi
Bishop—Sixteenth Celebration.

All yesterday was given over to the
16th annual celebration of Founders'
Day at Kamehameha school. The ser-
vices were impressive in their sim-
plicity, and served to keep green the
memory of that noble woman, Prin-
cess Pauahi Bishop, who lived but for
her people.

The services began in the morning
at the Mausoleum in Nuuanu valley.
The school was present in a body, the
boys in uniform, and the girls in
white.

The program began with "Nearer
My God to Thee," played by the Ka-
mehameha band. After this selection
the boys stood attention, uncovered,
while the girls decked the grave of their
benefactress with flowers. The cere-
mony was particularly impressive,
and showed that Princess Pauahi still
lives in the hearts of her people and
that her influence is as great as ever.

"Only Remembered by What We
Have Done" was sung by the whole
school. The school then recited in
unison a pledge, in which the mem-
bers promised to be faithful and true,
to spurn all thoughts that tend toward
the degradation of the mind and body,
and in every way strive to do what
they thought their royal all would
want them to do.

The services closed with a song
sung by the girls' chorus, which had
the rather ambiguous title of Kame-
hameha Girls' School Chorus. The na-
tives prefer to call it "Aloha Pauahi,"
which seems to be the more appro-
priate title. The selection is one of
surpassing beauty, and its equal is
hard to be found. It was sung in a
manner, which showed that the girls
had their whole heart and soul in the
singing.

Quite an extensive luau awaited the
students when they returned to the
school. The dining room was beauti-
fully decorated. Long festoons of
rope fern stretched from the center
chandelier to all corners of the room,
giving a most artistic effect. Ferns
and lauhala branches were banked
about the room in a tasteful manner.
The tables were particularly beautiful.
They were spread with ti leaves. Over
these was a layer of fern, which made
an artistic table cloth as one could
desire. Maiden hair ferns in abun-
dant were scattered about the table,
and the whole dining room presented
a scene of great beauty.

Every native dish imaginable was
set before the students. Poi, taro in
abundance, fish of a dozen different
varieties, and a numberless lot of other
dainties graced the board. The
drink was the only haole food on the
table, soda water taking the place of
the proverbial kolekoleha. During the
meal the girls' chorus sang "Aloha
Pauahi," which was heartily received
by the audience. Everyone went in
with a will and in a short while the
tables were characterized largely by
the absence of food.

"Hawaii Ponoi," sung by the whole
school in a manner calculated to move
the heart of any man not utterly lack-
ing in patriotic feelings, and followed
by "Kamehameha Song," ended the
luau.

Miss Lillian Byrington, organ, and
Miss Helen Desha, piano, played as a
Prelude "Kamennol Ostrow," op. 10,
No. 22, by Rubenstein. Mozart's "12th
Mass," was sung by the choir, and the
selection was delivered with remark-
able style.

Rev. Eserra delivered the invocation.
The children of the Kamehameha
Preparatory sang "Children's Song of
Praise." Mr. Theodore Richards made
the address of the day. He said:
"When asked to speak before you,
a few days ago, in shifting about for a
subject I saw immediately that your
benefactress, Princess Bernice Pauahi
Bishop, was the most appropriate
topic on which I could talk. Of per-
sonal recollections I can give you but
little being practically a malihini."

"In passing the old site of the Ar-
lington hotel, I noticed a large tana-
rind tree, probably the largest of its
kind in town. It is 69 years old to-
day, and was planted the day Princess
Pauahi was born. It was about this
o. tree that the Princess played in
childhood, and it was there that she
grew up to beautiful young woman-
hood."

"The second great event in the
Princess' life was in 1850. Being of
the royal line she was destined to a
state marriage, but following the dic-
tations of her heart, she rose in her
position, when she became the queen
of the home of Charles R. Bishop.
This happened in 1850, and no better
home could have been found in Hono-
lulu."

"At some time in Pauahi's life came
the third great event. Just what
is the date nobody can tell, but
probably about 1850 she mapped out
the plan of her life, becoming a Chris-
tian and leading a life for the sake of
her people. Three times she was of-
fered the crown, but not even the
pleas of the dying Kamehameha could
move her an atom in her resolve. It
was her thought that nothing but a
steady adhesion to the Hawaiian
motto, 'Ua Mau ke Ea o ka Aina i ka
Pono,' could benefit the Hawaiian
people."

"The fourth event in the life of Pau-
ahi Bishop was in 1884. On October
16 she passed from this earth and
universal sorrow prevailed throughout
the land."

"D. L. Moody once said: 'Some day
you will read that I am dead. Don't
you believe it. I will be more alive
than ever.' Pauahi Bishop did not die.
Her influence was greater than ever
for on December 19, 1887, came the
fifth great event of her life, the found-
ing of this institution."

"Exactly seven years later occurred
the sixth and last great event of her
life, and the magnificent pile just be-
hind us, the Girls' school, is a silent
witness of the Princess' everlasting
influence."

The services closed with a prayer
by Rev. W. M. Kingsland, a song, "Pau-
ahi ke Ahi," by the school, and the
doxology.

MCBRYDE OPTION OBTAINED.

C. H. W. Norton Leaves With Over a
Half Million Worth of Stock.

C. H. W. Norton left for the Coast
by way of Vancouver last evening.
For several days he has been working
on an option for the purchase of a
large block of the McBryde Plantation
Company's stock. The option has been
arranged for \$600,000 worth and will
be placed on the San Francisco mar-
ket as it is thought that the time is
now ripe for the floating there of some
of the newer stocks of the plantations.
Col. George Macfarlane it is un-
derstood is in on the deal and Mr. Norton
will work in conjunction with him on
arrival in San Francisco.

REPEATS FROM SIN UNDER NEW REGIME

Board of Health Freed
From Political In-
fluence.

DR. RAYMOND LAYS DOWN THE LAW

PLUMBING INSPECTOR MOORE
SUMMARILY REMOVED—ELY
KEEN IS HIS SUCCESSOR.

Economy in Every Department—No
Extra Pay for Autopsies and Post
Mortems—Attorney General on
Newspapers' Rights.

It may be said without reserve that
the old board of health has had a
regeneration. Yesterday it received
its baptism by the old-fashioned meth-
od of immersion and now the new
board with purity of heart and untaint-
ed by a carnal mind is ready for busi-
ness at the old stand. In fact it has
already done some business of a de-
cisive character and did it yesterday.

And one thing is certain, there will be
no more executive sessions.
The epoch turning event that
brought all this about was the acces-
sion to membership and the presiden-
cy of the board of Dr. James H. Ray-
mond, who took office at the last meet-
ing. The outward and tangible sign
of conversion so long desired was an
able and phenomenal opening address
delivered by Dr. Raymond in which
he hoisted the watch-signal of econ-
omy and thwarted political designs on
the board from any and all sources
high and low. He said:

"The future actions and responsi-
bilities of the president will contain
some things that are disagreeable.
The change of the government during
the past year have convinced me of
the necessity to do something to re-
organize the entire system of the de-
partment. Many suggestions might
and will be offered by the president
that I believe will be of material ben-
efit to the health of the communi-
ty and protection from a business point
of view. Expenses must be reduced
without materially affecting the effi-
ciency of the board and at the same
time guard the interest of the public.
With the reduction of revenues it is
incumbent on us to make an extra
effort to cut down expenses. It is my
intention to recommend plans that I
hope will give general satisfaction."

In order to do that, we must recognize
the fact that the board may conflict
with individual and perhaps different
views. Undoubtedly adverse criticism
will be created, but my aim is to do
the best for the people."

Divorced From Politics.
"We should recognize no influence
no matter from what source, political
or otherwise. It is well that I state
that in plain terms. The interest of
the public is our first charge and
whatever I recommend will be for no
other purpose than the good of the
service. I am perfectly willing to
abide by the judgment of the board. I
speak of this because all sorts of re-
quests for positions and favors on the
strength of political influence will
reach us. It is our duty to divorce
the department from politics and en-
tirely free influence. On these grounds
I am willing to lend my services to
the public and I believe you gentlemen
are of the same mind."

"The thought may be expressed in
a single sentence," interjected At-
torney General Dole, "that a public office
is a public trust, and public money is
a trust fund."

"I refer particularly to influences
which are in fact already begun," said
Dr. Raymond, addressing his remarks
more directly to Mr. Dole. "To make
my statements plain let it be under-
stood that the board of health owes no
man anything of its nature political.
Let us start out with a clean ledger."

Mr. Smith said that for the three
years of his being a member the
board had acted as a unit. Dr. Cooper
offered the following resolution which
was passed unanimously.

"Resolved, That the president having
thoroughly investigated the workings
of various departments, his recom-
mendations for the good of the service
and especially all reforms which favor
retrenchment without injury to effi-
cient service be met with the hearty
support and approval of the board."

Plumbing Inspector Removed.
C. E. Moore is no longer plumbing
inspector. E. G. Keen will be his suc-
cessor. It came about in this way:
The committee which was recently
put to work on proposed changes in
the regulations for plumbing made a
report. President Raymond opposed
its adoption saying that more time
should be taken for investigation. Dr.
Raymond's name was added to the
committee and then it leaked out that
Mr. Moore would hardly be likely to
participate. Dr. Raymond said very
terse and without comment that for

the good of the service he would re-
commend a change in the office. Mr.
Smith made the motion accordingly
and Dr. Cooper seconded it and in less
than a minute there was a vacancy
in the office. The assistant plumbing
inspector, Mr. Keen, was placed on
the committee to consider amend-
ments to the regulations and a very
brief moment he was voted the office
of his retiring superior. His salary
was fixed at \$150 a month, and \$250
was placed in the hands of Executive
Officer Pratt to buy him a horse and
buggy to use in his daily duties.

It will be very well remembered
how at a recent meeting Moore sought
to cause the retirement of Keen, but
met with a rebuff. The plumbers of
the city, notably C. H. Brown, have
made a fight on Moore and it is said
that their influence based on facts of
incompetency made clear have won
the day. The new appointee has made
a study of sanitary plumbing and
gives satisfaction to every plumber in
the city, so it is claimed.

A series of resolutions of bad sani-
tation in several districts were adopt-
ed. A district mauka of Beretania
street and Waikiki of Aala lane was
condemned, as was another mauka of
King street and Waikiki of Palms
chapel, owing to stagnant water. The
districts bounded by King, River,
Hotel and Kekaulike streets; Hotel,
River, Pauahi and Maunakea; and
Pauahi, River, Beretania and Mauna-
kea were pronounced deleterious to
health and ordered filled to grade ex-
cept when brick with cement walls
and floors are in use. The same order
was made in reference to the district
on the Waikiki side of the blacksmith
shop at Ching Lam's along the coral
bank to Beretania street.

Economy in Drugs and Autopsies.
A long discussion was precipitated
on the matter of economy in drugs and
general conduct of physicians of the
board at plantations outside of the im-
mediate locality of Honolulu. Dr. Ray-
mond recommended that the physi-
cian's take stock and send in reports
of drugs on hand and cut down this
big item of expense in the future as
he believed it could be done. Mr. Dole
said he had the auditing of bills of
physicians for autopsies and post mor-
tems. He made a motion which was
adopted that the physicians not be al-
lowed pay for this service except
where extra labor makes it a matter
of justice. The physicians are also
required now by a motion made by Dr.
Emerson to take charge of the statis-
tics of birth, marriages and deaths.
No record will be made of divorces by
the board it is said.

Attorney General Dole made the fol-
lowing report on the refusal of the
Hawaiian Star to prefer charges
against Superintendent Reynolds of
the leper settlement:

"Newspapers have the right to com-
ment upon public matters provided
they do so fairly and with an honest
purpose, and if they exceed the limits
permitted by law, it is a matter for
the courts and not for the board of
health. The board of health has no
legal authority in the premises. I do
not understand the question of Mr.
Reynolds' competence as superintendent
of the leper settlement was in any
way referred to me."

Several Minor Matters.
Dr. T. Courdett, as physician for
the board at Puna, resigned and Dr.
J. Hallond was elected in his place.
The recent request of George Kani-
kau, a leper at Molokai, to permit his
wife to act as his kokua or nurse was
refused.

An expenditure for a Christmas din-
ner for lepers at the Kalihii station
was allowed.

A bill of \$90 of the Wilder Steam-
ship Company for making two extra
trips with lepers was allowed as quite
reasonable.

President Raymond and Mr. Dole
were named as a committee to wait on
Superintendent McCandless of the
public works department and request
better care of the \$16,000 machinery
for the garbage crematory.

The attorney general reported on
the two land matters for the insane
asylum. It was decided to have the
old lands lewly fertilized.

Dr. Emerson made a motion that the
executive officer be empowered to em-
ploy an expert for the department's
books. Dr. Raymond shut this off by
saying that he had the matter under
consideration and would offer a resolu-
tion at another time.

After the meeting Dr. Raymond said
to a Republican reporter that there
would be no more executive sessions.
There have been none in fact since
Dr. Pratt became executive officer. A
fine table for reporters has been in
use for the past three meetings.

Dr. Raymond called at The Repub-
lican office last evening to announce
that the committee meeting to con-
fer with plumbers and others on the
proposed changes in regulations will
be held at 8 o'clock tonight at the
board's office.

Gifts for Incubators.
Any gifts or contributions for dis-
tribution among the inmates of the
hospital for incurables at Christmas
will be much appreciated, and may be
sent to the care of the Medical Super-
intendent Victoria Hospital, Kakaako.

(Continued on Page 10.)

DR. NOBLITT DISMISSED BY JUDGE HUMPHREYS

Court Fires Hot Shot
at Government
Policy.

WILL REPEAT DISMISSAL ANON

FUTURE ARRESTS ON THE SAME
CHARGE WILL BE FUTILE
SAYS THE DECISION.

While Law Provides That Physician
Must Secure License Before He
May Practice There is No Penalty
for Practicing After Revocation.

Dr. W. S. Noblitt is free from prose-
cution for practicing medicine without
a license. Judge Humphreys dismiss-
ed the case against him yesterday af-
ternoon. The decision given verba-
tim below bristles with arraignments
of the tendency of the government to
concentrate power. It also conveys
the information that as often as Dr.
Noblitt is arrested the judge will free
him because of a certain incompleteness
of the statute. Here are the
words of the court:

The Defendant W. S. Noblitt was
indicted at the November Term A. D.
1899 of the Circuit Court of the First
Circuit for practicing medicine con-
trary to law. On December 4th, 1899,
a judicial day of said term, a stipula-
tion for trial in vacation, jury waived,
was filed by the Attorney General and
the defendant. Under such stipulation
two cases were heard by me at chambers
on the 18th day of December, A. D.
1900. The laws of Hawaii provide in
substance that no person shall prac-
tice medicine or surgery as a profes-
sion in the Hawaiian Islands, without
having first obtained a license from
the Minister of the Interior, and that
such license shall only be granted upon
the written recommendation of the
Board of Health; that no person shall
be recommended by the Board of
Health for a license to practice medi-
cine or surgery except upon the writ-
ten report of a Board of Medical Ex-
aminers which is authorized to exam-
ine all applicants for such license.
The laws further provide that said
Board of Medical Examiners shall
consist of three licensed physicians or
surgeons to be appointed before ref-
erred to the Minister of the Interior,
and also made for the revocation of a
license to practice medicine and sur-
gery by the Minister of the Interior at
any time for professional misconduct,
gross carelessness or manifest incomp-
etency, such misconduct or incompetency
having been proven to the satisfaction
of the Board of Health and by that
body reported in writing to said minister.
The practice of medicine and surgery
without having first obtained the license
before referred to is deemed as a mis-
demeanor and is attended with a severe
penalty. It will be observed that the
right of an applicant to a license de-
pends upon the report of the Board of
Medical Examiners, all of whom are
required to be licensed physicians and
surgeons—thus the right may be re-
sumed by the Minister of the Interior
upon the report of the Board of
Medical Examiners; that a majority
of the Board of Health are laymen.
Sec. 868 Penal Laws 1897. It may be
remarked in passing that the law ar-
ranging the Board of Health is but one
of the many illustrations to be found
on our statute books of the settled
policy of those who controlled the des-
tinies of the Republic of Hawaii, to
center and make dominant all govern-
mental power and authority in the
Executive. None of the members of
the Board are elected by the people—
they are all appointed by the Presi-
dent, and to preserve and maintain
the power and influence of the Execu-
tive in this body—theoretically, when
in this body—it is provided that the
Attorney General, who is also appointed
by the President, shall be ex-officio
a member of the Board.

The evidence adduced in this case
shows that on the 2nd day of March,
A. D. 1898, the defendant obtained
from the Minister of the Interior a
license in the manner required by law
upon the written recommendation of
the Board of Health, and that said li-
cense was revoked by the Minister of
the Interior on the 24th day of August,
A. D. 1899, proven to the satisfaction
of the Board of Health, of which the
defendant had notice; and that since
the revocation of his license as afore-
said, the defendant has been engaged
in the practice of medicine as a pro-
fession. While the conclusion reached
by the Board of Health as to the case
of this defendant cannot be attacked
collaterally, yet the evidence offered
by the prosecution, not objected to by
the defendant, and heard by the court
is a legitimate and proper subject of
comment. That evidence clearly
shows that the prosecution of this de-
fendant before the Board of Health
was inaugurated upon charges pre-
ferred against him by the Marshal of
the Republic of Hawaii in his official
capacity; that the Marshal is a sub-
ordinate of the Attorney General and
under his direction and control. The
Attorney General at that time was ex-
officio a member of, and President of
the Board of Health. He presided
over the session of the Board at which
indictment was passed upon the de-
fendant; he denied him an exception
to his ruling and finally, while still
in the chair made an argument in sup-
port of the charges. In hearing and
determining the charges preferred
against the defendant, the Attorney
General as a member ex-officio and
president of the Board acted in a
quasi judicial capacity, as did all of
the other members of the Board, call-

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